

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

LARRY TYGER,

Plaintiff,

V.

BARCLAYS BANK,

Defendant.

Case No. 2:21-cv-02284-JTF-cgc

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION
TO GRANT DEFENDANT’S MOTION TO COMPEL ARBITRATION AND DISMISS
CASE WITHOUT PREJUDICE**

Before the Court is Defendant Barclay’s Bank Delaware (“Barclays”) Motion to Compel Arbitration (“Motion”), filed on June 2, 2021. (ECF No. 15.) On June 15, 2021, the Motion was referred to the Magistrate Judge for Report and Recommendation. (*See* ECF No. 23.) On October 25, 2021, the Magistrate Judge issued a Report, which recommended that Barclays’ Motion be granted and the case be dismissed without prejudice. (*See* ECF No. 30.) Plaintiff did not file any objections to the Report and the time to file such objections has passed. For the following reasons, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation and finds that Barclays’ Motion should be **GRANTED** and the case **DISMISSED** with prejudice.

I. FINDINGS OF FACT

This Court adopts and incorporates, the Magistrate Judge’s proposed findings of fact in this case. (*See* ECF No. 30, 2-4.) As noted, Plaintiff failed to object to the Report and Recommendation.

II. LEGAL STANDARD

Congress passed 28 U.S.C. § 636(b) “to relieve some of the burden on the federal courts by permitting the assignment of certain district court duties to magistrates.” *United States v. Curtis*, 237 F.3d 598, 602 (6th Cir. 2001). Pursuant to the provision, magistrate judges may hear and determine any pretrial matter pending before the Court, except various dispositive motions. 28 U.S.C. § 636(b)(1)(A). Regarding those excepted dispositive motions, magistrate judges may still hear and submit to the district court proposed findings of fact and recommendations for disposition. 28 U.S.C. § 636(b)(1)(B). Upon hearing a pending matter, “the magistrate judge must enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1); *see also Baker v. Peterson*, 67 F. App’x 308, 310 (6th Cir. 2003). Any party who disagrees with a magistrate’s proposed findings and recommendation may file written objections to the report and recommendation. Fed. R. Civ. P. 72(b)(2).

The standard of review that is applied by the district court depends on the nature of the matter considered by the magistrate judge. *See Baker*, 67 F. App’x at 310 (citations omitted.) Usually, a district court must review dispositive motions under the *de novo* standard. Upon review, the district court may accept, reject, or modify the proposed findings or recommendations of the magistrate judge. *Brown v. Bd. of Educ.*, 47 F. Supp. 3d 665, 674 (W.D. Tenn. 2014); *see also* 28 U.S.C. § 636(b)(1). The court “may also receive evidence or recommit the matter to the [m]agistrate [j]udge with instructions.” *Moses v. Gardner*, No. 2:14-cv-2706-SHL-dkv, 2015 U.S. Dist. LEXIS 29701, at *3 (W.D. Tenn. Mar. 11, 2015). However, a district court is not required to review “a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). A district judge

should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. *Brown*, 47 F. Supp. 3d at 674.

The Court has reviewed the record in this case, including the Complaint, the Motion to Compel Arbitration, the Response and Reply to the Motion, and the Report and Recommendation. (ECF Nos. 1, 15 & 28-30.) As noted above, Plaintiff has failed to file any objections to the Report, and the time to do so has expired. Therefore, after a full *de novo* review of the Magistrate Judge's Report and Recommendation, including the "Proposed Findings of Fact" and the "Proposed Conclusions of Law", the Court **ADOPTS** the Magistrate Judge's Recommendation that Barclays' Motion to Compel Arbitration be **GRANTED** and the case be **DISMISSED** without prejudice.

IT IS SO ORDERED on this 8th day of February 2022.

s/John T. Fowlkes, Jr.
John T. Fowlkes, Jr.
United States District Judge